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EXAMINER
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NGUYEN, HANH N

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/764,510  
Filing Date: January 18, 2001  
Appellant(s): CHUAH, MOOI CHOO

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Mooi Choo Chuah  
For Appellant

**MAILED**  
**MAY 24 2007**  
**GROUP 2600**

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 01/22/07 appealing from the Office action mailed 08/24/06.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3, 5-9 and 14-17 are rejected under 35 USC 103(a) as being unpatentable over Kannas et al. (US pat. No. 6,683,853 B1) in view of Rinne (Pat. 6,845,100 B1).

In claims 1, 2, 3, 6, 7, 8 and 15-17, Kannas et al. discloses a user equipment 10 ( *a mobile station, fig.1*) requests for a desired QOS resource ( see fig.2, step 52; col.5, lines 42-50; *request a first traffic class such as a desired QOS* ) to a serving support node SGSN 20 (fig.1, *a second packet server*) via a RAB service 16 (*a first packet server*). If the requested QOS resource ( *the first traffic class, step 54, Fig.2*) is not available, then a lower quality of service

resource (*other traffic class or lower quality traffic is granted if resource is unavailable at step 56, fig. 2*) is assigned. In the mean time, the system continuously monitors the quality of service availability at step 62 (*successively checks resources availability for at least one other traffic class preference*). When a higher quality of service is available (*higher quality or increasing order traffic is available at step 62, fig. 2; col. 5, lines 57-63*), the request for higher QOS is upgraded (at step 68, fig. 2; col. 5, line 67 to col. 6, line 3) (performing variable QOS negotiations including downgrading QOS and upgrading QOS with the wireless data; See col. 5, lines 25-40).

Kannas et al. does not disclose the request includes a QOS information element having at least one traffic class field for conveying the request for preferred ones of traffic classes in priority order. Rinne discloses a priority table (a QOS information element; see col. 2, lines 50-60) from which different QOS packet classes including class of latency, class of throughputs, class of delay, etc. are included therein (traffic classes in priority order; col. 2, lines 50-60 and col. 3, lines 45-55). Each of QOS packet class has a traffic class protocol field such as a QOS class 1 has a traffic field values of [10...14], etc, ( traffic class field; see col. 8, lines 5-20). Rinne discloses that a Qos request packet having information relating to a Qos request is provided by a network with a Qos request. If the network does not have enough requested Qos, the network provides its actual Qos ( see col. 4, lines 7-20). Therefore, it would have been obvious to one ordinary skilled in the art to represent a priority table comprising traffic class fields corresponding with different class of services taught by Rinne in the invention of Kannas et al. to represent QOS classes with traffic class fields values in a priority order. The motivation is to help network controller to dynamically allocate different traffic classes without requiring a mobile to retransmit a request when the network bandwidth is not available.

In claims 5 and 9, Kannas et al. discloses, in Fig.3, a user equipment 10 sends a packet data protocol (PDP) context activation request 80 requesting a first quality of service. Since the radio network 4 is congested, the user equipment 10 is assigned a second QOS ( *using an active PDP context procedure to support downgradable QOS requirement*). When the first QOS is available, the user equipment 10 is assigned the first QOS ( *support upgradable QOS requirement*) See col.6, lines 10-24.

In claim 14, as disclosed by Kannas et al. in view of Rinne above. Kannas further discloses a packet server ( RAB 16) comprising a transceiver ( BS 17) and a processor ( RNC 18).

#### **(10) Response to Argument**

Regarding claims 1, 6, 14, 15 and 16, Appellant argues on pages 14, 18, 19, 20 and 21 that Rinne does not disclose a QOS information element having at least one traffic class field for conveying a request for preferred ones of traffic classes in the priority order.

Examiner believes in claims 1, 6, 14, 15 and 16 that functional descriptions of “QOS information element having at least one traffic class field” is not clearly described as shown in the specification. Therefore, the traffic class field is considered as a generic traffic class field supporting traffic classes in priority order. Examiner relies on Rinne (fig.5, col.8, lines 1-25) which disclose different QOS classes 1-k, each of which corresponds to a class of service ( class of latency, throughput, bandwidth, etc.) and has a range of traffic class values (at least one traffic class field). For example, a QOS class 2 with a traffic class value 15 will get higher scheduling privileges than with a traffic class value 18 (see lines 20-25; a QOS class associated with a traffic class field corresponds with a priority order). It is clearly disclosed in Rinne that

there is at least one traffic class field ( traffic class values 18, 15) for a QOS class contained in packets ( for a preferred traffic classes priority order).

By applying the traffic class value in QOS class of Rinne into the request for desired QOS of Kannas et al., it would have been obvious to one skilled in the art to send a request from a mobile terminal to a server, wherein the request includes at least one traffic class field for preferred one of traffic classed in priority order. The motivation of the combination is to allow the mobile terminal options to select variable desired QOS levels based on the network resources availability since the network resource is continuously monitored to provide the maximum resource and the mobile terminal does not have to send a second QOS request when the network resource changes.

Appellant further argues, on page 15, that Rinne merely teaches (see fig.5) classifying packets received from IP network into different QOS classes and associated sub-classes.

Examiner believes classifying packets received from IP Network into different classes is not shown in the claims. Therefore, examiner keeps his current rejection position.

Appellant further argues that on page 15 that the traffic class protocol field included in the packet of Rinne is not a request for preferred ones of traffic classes.

Examiner agrees with applicant 's point of view because the traffic class protocol field disclosed in Rinne is a range of traffic class values[0...255] divided into different QOS classes. Each Qos class corresponds to a sub-range of traffic class field ([15-19] for QOS class 2 may have a traffic class value 18 or 15). ( see col.8, lines 1-25). The examiner has never changed his position concerning the fact,that the traffic class protocol field comprises range of traffic class

values, not a request. However, as shown by applicant, the traffic class value is shown in the packet.

Appellant further argues on page 15 that Rinne is directed to packet transmissions from wireless network to mobile stations which is different than the claimed QOS request transmitted from a mobile station to a wireless network.

Examiner believes it is inherent that a Qos request in wireless network should be followed with a response transmitted from wireless network to mobile stations indicating whether the QOS request is allocated. Rinne 's packet transmission is a part of packet transmissions shown in Kannas et al. because the QOS request sent by the mobile terminal 10 to packet switch network 6 is followed with the allocation of network Qos resource.

Appellant further argues on page 16 the priority table including traffic class field values (asserted by Examiner in the Final action dated on 8/24/06) of Rinne is only a lookup table, not a QOS information element as claimed.

Examiner 's position is based on the Appellant 's Response dated 6/20/06, pages 8&9 that the QOS information element is shown as a table having binary codes for conveying traffic classes in priority orders (see drawing, figures 4 &5). Therefore, examiner equates the priority table of Rinne as the claimed Qos information element because the priority table defines priority of packets transmissions according to different traffic class values and different QOS classes ( see Rinne ; col.2, lines 50-60 and col.8, lines 1-25). Further, the claimed "QOS information element" is not functionally described in the claims 1, 6, 14, 15 and 16. Therefore, Examiner broadly interpretes the priority table of Rinne as the claimed QOS information element.

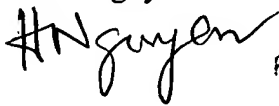
**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Hanh Nguyen



**HANH NGUYEN  
PRIMARY EXAMINER**

Conferees:

Lynn Field



Seema Rao

